

REMARKS

Applicants have carefully reviewed the Application in light of the Office Action mailed November 17, 2004. At the time of the Office Action, Claims 1-23 were pending in the Application. Applicants amend Claims 1, 4, 8-10, 12-17, and 19-23 without prejudice or disclaimer; cancel Claims 6 and 7 without prejudice or disclaimer; and add Claims 24 and 25. Applicants' amendments and cancellations have been done to advance prosecution in this case and not to overcome prior art. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Consideration of Information Disclosure Statement

Applicants submit an Information Disclosure Statement (IDS) with this Response. Applicants respectfully request the Examiner to review this IDS and to formally indicate that these materials have been considered in the context of the pending prosecution. Applicants suggest the Examiner use a PTO-1449 to provide written notification to this effect.

Section 112 Rejection

The Examiner rejects Claims 21 and 23 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants have amended Claims 21 and 23, without prejudice or disclaimer, to address the Examiner's rejection. Accordingly, Applicants respectfully submit that Claims 21 and 23 are in accordance with 35 U.S.C. §112, second paragraph. Therefore, Applicants request reconsideration and allowance of Claims 21 and 23.

Section 103 Rejections

The Examiner rejects Claims 1-20 and 22 under 35 U.S.C. §103(a), as being unpatentable over U.S. Publication No. 2002/0039371 A1 issued to Hedayat, et al. (hereinafter "*Hedayat*") in further view of U.S. Patent No. 6,215,791 B1 issued to Kim (hereinafter "*Kim*"). Applicants respectfully request reconsideration of this rejection of the above mentioned claims. To defeat a patent under 35 U.S.C. §103, the claimed *combination* must be obvious. *Kimberly-Clark Corp. v. Johnson & Johnson*, 745 F.2d 1437, 223 U.S.P.Q.

603 (Fed. Cir. 1984). Therefore, it is essential to view the invention as a whole, taking each element into account as well as the advantages, properties, utilities, and results of the invention. *In re Chupp*, 816 F.2d 643, 2 U.S.P.Q.2d 1437 (Fed. Cir. 1987).

Applicants amend Claim 1 to include the limitations of Claim 6, and amend Claims 20 and 21 to include similar limitations. Applicants respectfully submit that the combination fails to disclose, teach, or suggest each limitation recited in Applicants' amended Claim 1. For example, *Hedayat* fails to teach "receiving at the first router a measurement of the amount of jitter associated with the first media stream at a second router" as recited in Claim 1. These deficiencies are not cured by combining *Hedayat* and *Kim*. To the contrary, the combination merely discloses measuring jitter characteristics locally and sequencing the packets according to deadline time and eligible time. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 1 together with its dependents.

Independent Claims 20 and 21 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, are not disclosed, taught, or suggested by the combination. Applicants respectfully request reconsideration and allowance of independent Claims 20 and 21.

Applicants further submit that the combination fails to disclose, teach, or suggest each limitation recited in Claim 9. For example, *Hedayat* fails to teach "receiving a measurement of the amount of jitter associated with a media stream at at least the third router." *Hedayat* merely discloses receiving identification information to perform jitter calculations locally. The Examiner admits that *Hedayat* does not disclose "prioritizing the timing of the transmission of a packet in the media stream from at least the first router toward at least the third router via the second router based at least in part on the amount of jitter associated with the media stream at the third router." *Office Action*, p. 6. Combining *Hedayat* and *Kim* does not cure these deficiencies as discussed above. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 9 together with its dependents.

Independent Claims 15, 22, and 23 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 9, are not disclosed, taught, or suggested by the combination. Applicants respectfully request reconsideration and allowance of independent Claim 15 together with its dependents and independent Claims 22 and 23.

New Claims

Applicants add new Claims 24 and 25, which are fully supported by the specification of the present Application as originally filed. Claim 24 includes “associating, at a central server, the first measurement with the second measurement as jitter of the media stream at the first router and the second router, respectively.” *Hedayat, Kim*, and the combination fail to disclose, teach, or suggest this limitation. Claim 25 depends from Claim 24 and is allowable for at least the same reason.

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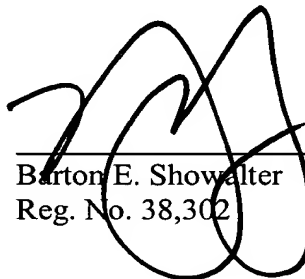
CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully requests reconsideration and allowance of the pending claims.

A check in the amount of \$200.00 is enclosed to cover the fee for an additional independent claim and a check in the amount of \$180.00 is enclosed to cover the cost of the Information Disclosure Statement filing fee. No other fees are believed to be due, however, the Commissioner is hereby authorized to charge any amount required or credit any overpayment to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicant invites the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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